

REMARKS

Examiner's Claim Rejections:

Examiner has rejected Claims 1-21 under 35 U.S.C. 103(a) as being unpatentable over Henley, Jr., Sielaff, and Jonathan. Applicant addresses Examiner's rejections of the Claims as follows:

Applicant's Current Claim Amendments:

Applicant recognizes that the original claims recited the words "adapted to", which imply an intended use function not necessarily read as a patentable limitation of the claims. Indeed, Applicant believes that Applicant's employ of such intended use language formed the basis of Examiner's arguments and rejections of the original claims, as each of the cited references do not disclose, teach or fairly suggest Applicant's invention as now claimed (i.e., in view of the claim amendments deleting such intended use language), as more fully explained hereinbelow.

More specifically, Applicant has amended all Independent Claims to recite the patentable limitation of "*at least one raised grip pad formed over at least a portion of said pick, wherein said at least one raised grip pad comprises at least one edge, and wherein said at least one edge is received by and interfaces with a groove of a fingerprint or a thumb print.*" Applicant further notes that all Claims have been amended to delete the intended use language of "adapted to" and, thus, all claims now positively claim the subject matter originally presented therein.

Applicant respectfully submits that none of the cited references teach or fairly suggest Applicant's invention, as now claimed.

Establishing a Prima Facie Case of Obviousness:

Applicant notes that the burden of establishing a *prima facie* case of obviousness lies with the Patent Office. *In re Fine*, 5 USPQ2d 1596 (Fed. Cir. 1988) (stating: “The PTO has the burden under section 103 to establish a *prima facie* case of obviousness”). **To establish a *prima facie* case of obviousness, (1) there must be some suggestion or motivation (either in the references themselves or in the knowledge generally available to one of ordinary skill in the art) to combine the reference teachings; (2) there must be a reasonable expectation of success; and (3) the prior art reference must teach or suggest all the claim limitations.** See MPEP 2142-43.

Examiner’s Obviousness-Based Rejection of the Claims:

Examiner asserts that cited prior art references to Henley, Jr., Sielaff, and Jonathan teach or suggest Applicant’s invention as originally claimed. However, Applicant respectfully asserts that the **cited prior art references fail to teach or suggest all the claim limitations** of Applicant’s Claims, as amended, and that **there is now no suggestion or motivation to combine the reference teachings**. As such, said cited prior art references do not establish a *prima facie* case of obviousness against the Claims as amended. Reconsideration is respectfully requested.

Specifically, Applicant asserts that cited prior-art reference to Henley, Jr. does not teach or fairly suggest Applicant’s current amendments to all Independent Claims reciting the patentable limitation of “*at least one raised grip pad formed over at least a portion of said pick*,”

wherein said at least one raised grip pad comprises at least one edge, and wherein said at least one edge is received by and interfaces with a groove of a fingerprint or a thumb print”.

In actuality, Henley, Jr. discloses that the “[t]**humb grip guide 11 is designed to cradle the thumb** in the proper angle and provide the proper distance from the thumb to the tip of the pick 13. **Finger grip guide 12 is designed to cradle the forefinger** in the proper angle in relation to thumb grip guide 11 and to maintain the proper location of the pick 13 on the thumb....[t]he pick will be held between the thumb and forefinger with the **thumb seated in thumb grip guide 11** and the **forefinger seated in the finger grip guide 12**. (See Henley, Jr., Col. 1, lines 43-52, and Col. 2, lines 1-2)

As is clearly evidenced by the foregoing quote from Henley, Jr., Applicant respectfully submits that Henley, Jr. does not disclose or fairly suggest raised grip pads that comprises edges that are received by or interface with the fingerprint grooves of the user. Quite to the contrary, the Henley, Jr. device requires the user to “seat” his thumb and forefinger between the “grip guides,” thereby “cradling” the thumb and forefinger therebetween, as opposed to having the fingerprint or pad surface of the thumb and forefinger contacting and interfacing with the edges of such “grip guides.”

Indeed, nowhere in the Henley, Jr. specification is it taught or even suggested that the edges of the “grip guides” could be used for the purposes as now positively claimed by Applicant.

Applicant respectfully asserts that the combination of the cited prior art references fails to teach or fairly suggest Applicant’s invention as recited in the amended Claims. Thus, it is respectfully submitted that all of the claim limitations of the amended claims are not disclosed by the cited prior art references and, as such, said cited prior art references do not establish a prima

facie case of obviousness against said Claims as now amended. Reconsideration is respectfully requested.

CONCLUSION

The above-made amendments are to form only and thus, no new matter was added. Applicant respectfully believes the above-made amendments now place the Claims and application in condition for allowance. This Response to Office Action is believed to be a full and complete response to the present Office Action. Should there be any questions or concerns, the Examiner is invited to telephone Applicant's undersigned attorney.

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Respectfully submitted,



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